

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES FIRE INSURANCE
COMPANY, *et al.*,

Plaintiffs/Counterclaim
Defendants,

v.

ICICLE SEAFOODS, INC., *et al.*,

Defendants/Counterclaim
Plaintiffs.

NO. 2:20-cv-00401-RSM

AGREED MOTION TO EXTEND ORDER
SETTING TRIAL AND RELATED
DATES

NOTE ON MOTION CALENDAR:
JULY 23, 2021

I. INTRODUCTION

Pursuant to Local Civil Rules 10(g) and 16(b)(6), the parties request that the trial date and all other deadlines, excluding those that have passed as of this filing, be extended for 120 days. The current discovery cutoff is September 10, 2021 and the current trial date is February 28, 2022. For the following reasons, the parties respectfully submit that good cause exists for the modest extension of the case schedule requested in this agreed motion.

II. GOOD CAUSE EXISTS FOR A 120-DAY CONTINUANCE

A. Status of Discovery

The parties have diligently conducted discovery and have made substantial progress to date, producing over 300,000 pages of documents and obtaining a substantial volume of documents from multiple third parties. The parties have timely disclosed their expert witnesses and agree to complete any rebuttal expert disclosures on or before August 27, 2021.

However, substantial discovery tasks remain to be completed. This includes production of documents pursuant to various non-party subpoenas and additional Icicle documents. Further, the outcome of a dispositive motion pending before the Court [Dkt. 111], and three additional motions pending before the Court [Dkts. 71, 81, and 103] which address the propriety of the parties' respective claims of privilege, will affect the scope of any further document discovery required.

In the interest of conducting the deposition phase of discovery in the most efficient manner possible, the parties have largely deferred depositions pending the completion of document discovery and the resolution of the related privilege disputes. As a result, depositions have not yet commenced. The requested 120-day extension of the discovery cutoff will permit the parties to complete fact and expert depositions efficiently and with the benefit of a full written record.

Depending on the outcome of the pending motions, Icicle and Insurers believe a significant number of fact and expert witness depositions will be necessary. Moreover, once document discovery is completed, the scheduling of these depositions within the confines of the current case schedule would be difficult at best. For example, Icicle produced some 190,000 pages of documents between June 3 and July 1, and the Insurers produced some 100,000 pages

of documents on June 3, all of which must be reviewed in preparation for depositions. Further, the parties believe that at least some depositions should be conducted in person, including some in Canada, and the requested extension will increase the chances that COVID-related attendance and travel restrictions and concerns will be eased and permit such depositions to occur. In addition, Insurers' co-lead counsel, Matthew Crane, will be on planned medical leave for 3-4 weeks starting in late September.

B. Engagement of New Counsel

Both sides have recently retained new counsel. Icicle's lead lawyer, Dan Mullin of Mullin, Allen & Steiner PLLC, is retiring in August 2021, and Icicle has retained Gordon Tilden Thomas & Cordell LLP ("GTTC"). GTTC has associated as co-counsel and, after a period of transition, will continue as Icicle's sole counsel. Insurers have likewise just retained Lether Law Group as co-counsel to Bauer Moynihan & Johnson LLP.

Icicle and the Insurers would benefit from their new legal teams having more time to study the extensive documents produced by the parties and to learn the case. Further, the parties intend to explore whether the case can be resolved prior to trial, and they believe such efforts are more likely to succeed if they can be undertaken before they have incurred the cost of completing depositions.

The parties thus respectfully submit that good cause supports a modest continuance as outlined in the table below.

Event	Current Deadline	New Deadline
JURY TRIAL DATE	February 28, 2022	July 5, 2022
Length of Trial	8 days	8 days
Deadline to serve expert rebuttal reports	N/A	August 27, 2021

Event	Current Deadline	New Deadline
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	September 10, 2021	January 10, 2022
Discovery completed by	September 10, 2021	January 10, 2022
All dispositive motions must be filed by And noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	October 8, 2021	February 6, 2022
Mediation per LCR 39.1(c)(3) if requested by the parties, HELD NO LATER THAN	January 14, 2022	May 16, 2022
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	January 28, 2022	May 31, 2022
Agreed pretrial order due	February 16, 2022	June 15, 2022
Pretrial conference to be scheduled by the Court		
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	February 23, 2022	June 22, 2022

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATE: July 23, 2021

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1 DATE: July 23, 2021

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16 DATE: July 23, 2021

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29 DATE: July 23, 2021

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IT IS SO ORDERED.

DATED this 26th day of July, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE